

Resolution No.:	<u>18-474</u>
Introduced:	<u>May 16, 2016</u>
Adopted:	<u>May 16, 2016</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the Executive

SUBJECT: Amendment to Resolution No. 18-460 concerning the Collective Bargaining Agreement with Fraternal Order of Police

Background

1. Section 510 of the County Charter requires the County Council to provide by law for collective bargaining with binding arbitration with an authorized representative of the County police officers.
2. Chapter 33, Article V of the County Code implements Section 510 of the Charter and provides for collective bargaining with representatives of certain police officers and for review of the resulting agreement by the County Council.
3. On April 1, 2016, the County Executive submitted to the Council an agreement between the County government and Fraternal Order of Police (FOP) for the year July 1, 2016 through June 30, 2017.
4. The County Executive outlined the terms and conditions of the collective bargaining agreement that require or may require an appropriation of funds or changes in any County law or regulation in FY17.
5. The joint Government Operations and Fiscal Policy Committee and Education Committee considered the Agreement and made recommendations at a worksession on April 21, 2016.
6. The County Council adopted Resolution No. 18-460 on April 26, 2016 indicating its intent to reject the:
 - (a) 3.5% service increment for all bargaining unit members whose service increment was deferred during FY12 or FY13, and who is otherwise eligible, effective the first pay period after July 1, 2016; and
 - (b) group insurance provisions in the Agreement.

7. The Executive and the FOP renegotiated the Agreement and the Executive submitted the revised Agreement to the Council for consideration on May 9, 2016. The revised Agreement changes the effective date of the rejected second service increment to the first pay period after June 24, 2017.

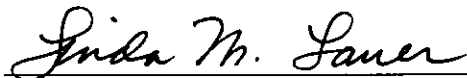
Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council approves each of the provisions of the Agreement for FY17 subject to Council review except:

1. The 3.5% service increment for all bargaining unit members whose service increment was deferred during FY12 or FY13, and who is otherwise eligible, effective the first pay period after June 24, 2017.
2. The Council intends reject the group insurance provisions in the agreement. The Council intends to approve the group insurance provisions as they were included in the Executive's Recommended FY16 operating budget, including a Medicare Part D Employer Group Waiver Prescription Drug Plan for Medicare-eligible retirees. To the extent that this approval is inconsistent with any provision of the collective bargaining agreement, that provision is rejected.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

**AMENDMENT TO
MEMORANDUM OF AGREEMENT
BETWEEN
THE MONTGOMERY COUNTY GOVERNMENT
AND THE
FRATERNAL ORDER OF POLICE, MONTGOMERY COUNTY LODGE 35, INC.**

The Montgomery County Government (County) and the Fraternal Order of Police, Montgomery County Lodge 35, Inc. (Union), conducted negotiations pursuant to Section 33-80 of the Montgomery County Code for the term July 1, 2016 through June 30, 2017. As a result of those negotiations, the County and Union entered into a Memorandum of Agreement between the Montgomery County Government and the Fraternal Order of Police, Montgomery County Lodge 35, Inc. (the Agreement). The Agreement is attached hereto and incorporated herein. Pursuant to Section 33-80 of the Montgomery County Code, the County Council, by resolution adopted April 26, 2016, indicated its intent not to appropriate funds for a deferred service increment in the Agreement. Thereafter, the County and Union met and agreed to the following amendment to the Agreement. This amendment replaces the language found in Article 36, *Wages*, in the Agreement, with the language set forth below. All other parts of the Agreement remain the same.

Please use the key below when reading this document:

<u>Underlining</u>	<i>Added to the existing collective bargaining agreement</i>
[Single boldface brackets]	<i>Deleted from the existing collective bargaining agreement</i>
***	<i>Existing language unchanged by the parties</i>

Article 36

Wages

Section A. Wages. Effective July 1, 2007, the salary schedule shall be increased by adding \$3,151 at Step 0, Year 1 with increments and promotions for all other steps and pay grades calculated from the new Step 0, Year 1 basis. Increments and longevity shall continue to be calculated as required by Article 28. The percentage increases upon promotion shall continue (up to the maximum for each rank) to be: 5% between PO I and PO II; 5% PO II and PO III; 5% between PO III and MPO; 10% between MPO and Sergeant; and, subject to Section D, *infra*, 5% between POC and POI.

The four and one-quarter (4.25) percent wage increase scheduled to take effect in the first full pay period following July 1, 2009 shall be postponed, and shall not be effective during fiscal year 2010, 2011, 2012 2013, 2014, and 2015. Salary-based benefits shall not be diminished as a result of the postponement, and such benefits will be calculated as if the postponed wage increase had been received as scheduled. (Appendix T)

The County agrees to pay a \$2,000 lump sum payment in FY2013 to employees who are actively employed by the County on that date. This payment will be made in one lump sum, by separate payment, at the conclusion of the first full pay period of FY2013. Employees who are unpaid leave and return to work during FY2013 shall receive the \$2,000 lump sum on their date of return to the workforce and will receive their payment by separate payment following their return to active employment with the County. The lump sum payment is considered regular earnings for income, withholding, and employment tax purposes. The payment will not be added to the employees' base salary. These payments are not considered "regular earnings" for retirement/life insurance purposes and employees will not receive any retirement/life insurance benefits based on these payments. Employees will not be required to contribute toward their retirement for this payment.

Effective the first full pay period after July 1, 2013, each unit member shall receive a wage increase of two and one-tenth percent (2.1%). Each unit member whose service increment was deferred during FY2011, FY2012 and/or FY2013, and who is otherwise eligible, shall receive a salary adjustment of 1.75% effective the first full pay period following February 1, 2014.


Effective the first full pay period following July 1, 2014, each unit member shall receive a wage increase of two and one-tenth percent (2.1%). Each unit member whose service increment was deferred during FY2011, FY2012 and/or FY2013, and who is otherwise eligible, shall receive a salary adjustment of 1.75% effective the first full pay period following February 1, 2015.

Effective the first full pay period following July 1, 2016, each unit member shall receive a wage increase of one half of a percent (0.5%). Effective the first full pay period following January 1, 2017, each unit member shall receive a wage increase of one half of a percent (0.5%). Each unit member whose service increment was deferred during FY2012 and/or FY2013, and who is otherwise eligible, shall receive a salary adjustment of 3.5% effective the pay period beginning June 25, 2017.


IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed hereto by their duly authorized officers and representatives this 9th day of May 2016.

FRATERNAL ORDER OF POLICE,
MONTGOMERY COUNTY LODGE 35

MONTGOMERY COUNTY,
MARYLAND

By: 
Torrie Cooke
President

By: 
Isiah Leggett
County Executive


Approved for form and legality
County Attorney